MERCHANT SHIPPING ORDER, 2002
[S 27/02]

MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2006

ARRANGEMENT OF REGULATIONS

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MERCHANT SHIPPING ORDER, 2002
[S 27/02]

MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2006

In exercise of the power conferred by section 109 of the Merchant Shipping Order, 2002, the Minister of Communications, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

PART I

GENERAL PROVISIONS

Citation.

1. These Regulations may be cited as the Merchant Shipping (Tonnage) Regulations, 2006.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

"amidships" means the midpoint of the length;

"Certifying Authority" means the Director and any other organisation authorised by the Minister in accordance with the regulations made under section 125;

"Contracting State" means a country or territory which is a party to the Convention;

"Convention" means the International Convention on Tonnage Measurement of Ships, 1969 and any amendment made thereto which has come into force and has been accepted by the Government;

"existing ship" means a ship which is not a new ship;

"gross tonnage" means the measure of the overall size of a ship determined in accordance with these Regulations;

"length" means 96% of the total length on a water-line at 85% of the least moulded depth measured from the top of the keel, or the length from the foreshape of the stem to the axis of the rudder stock on that water-line, if that be greater. In ships designed with a rake of keel the water-line on which this length is measured shall be parallel to the designed water-line;
"net tonnage" means the measure of the useful capacity of a ship determined in accordance with these Regulations;

"new ship" means a ship the keel of which is laid or which is at a similar stage of construction on or after 18th. July, 1982.

Application.

3. These Regulations shall apply to the following ships registered or to be registered as Brunei Darussalam ships —

   (a) new ships of 24 metres in length and above;

   (b) existing ships of 24 metres in length and above after 17th. July, 1994;

   (c) new ships of less than 24 metres in length registered on or after 23rd. January, 1987.

Director to be notified of alteration or modification of ships.

4. (1) Where a ship which has been issued with a tonnage certificate under these Regulations is to undergo alterations in the arrangement, construction, capacity, use of spaces, total number of passengers the ship is permitted to carry as indicated in the ship's passenger certificate, assigned load line or permitted draught of the ship, such as would result in an increase in the gross tonnage or net tonnage of the ship, its owner or his representative shall give to the Director prior notification in writing of the intended alteration or modification. The notification shall include details of the nature and extent of the alterations or modifications.

   (2) If the owner of a ship or his representative fails to comply with the requirements of sub-regulation (1), he shall be guilty of an offence and liable on conviction to a fine not exceeding $2,000.

Application for determination of tonnages.

5. (1) An application for the determination of gross tonnages and net tonnages shall be made to the Certifying Authority by or on behalf of the owner of the ship.

   (2) The owner of the ship or his representative shall make the ship available for measurement by the Certifying Authority and afford all necessary facilities for its inspection and measurement and shall furnish to the Certifying Authority with such plans, drawings, calculations, specifications and other documents relating to the ship as the Certifying Authority may require.
Issue of certificate.

6. (1) The Certifying Authority shall issue to every ship the gross tonnages and net tonnages of which have been determined in accordance with Part II —

   (a) an International Tonnage Certificate (1969) where the length of the ship is 24 metres and above;

   (b) a Brunei Darussalam Tonnage Certificate where the length of the ship is less than 24 metres.

(2) The International Tonnage Certificate (1969) and the Brunei Darussalam Tonnage Certificate shall be in Forms I and II, respectively, set out in the First Schedule.

Issue of certificate by government of Contracting State.

7. (1) The Director may request the government of a Contracting State to determine the gross tonnages and net tonnages of a Brunei Darussalam ship or a ship intended to be registered in Brunei Darussalam to which the Convention applies and issue an International Tonnage Certificate (1969) to the ship in accordance with the Convention.

(2) The Director may, at the request of the government of a Contracting State, determine the gross tonnages and net tonnages of a ship flying the flag of that Contracting State and issue an International Tonnage Certificate (1969) to the ship in accordance with the Convention.

(3) A certificate issued under sub-regulation (1) or (2) shall be treated as if it were issued under these Regulations.

Cancellation of certificates.

8. (1) Unless decided by the Director otherwise, a certificate issued under these Regulations shall cease to be valid and shall be surrendered to the Director for cancellation if alterations have taken place in the arrangement, construction, capacity, use of spaces, total number of passengers the ship is permitted to carry as indicated in the ship’s passenger certificate, assigned load line or permitted draught of the ship, such as would result in an increase in the gross tonnage or net tonnage.

(2) The International Tonnage Certificate (1969) held by a foreign registered ship at the time of its transfer to the Brunei Darussalam registry shall remain in force until the expiry of a period of 3 months from the date of the transfer or until the Certifying Authority issues a new International Tonnage Certificate (1969) to replace it, whichever occurs earlier.
9. [1] A ship flying the flag of a Contracting State shall be subject, when in Brunei Darussalam, to inspection by the Director. Such inspection shall be limited to the purpose of verifying—

   (a) that the ship is provided with a valid International Tonnage Certificate (1969); and

   (b) that the main characteristics of the ship correspond to the data given in the certificate.


[3] If the inspection reveals that the main characteristics of the ship differ from those entered in the International Tonnage Certificate (1969) so as to lead to an increase in the gross tonnage or the net tonnage, the government of the Contracting State whose flag the ship is flying shall be informed by the Director without delay.

PART II

REGULATIONS FOR DETERMINING GROSS TONNAGES AND NET TONNAGES OF SHIPS

Determination of gross tonnages and net tonnages to be in accordance with this Part.

10. (1) The gross tonnage and the net tonnage shall be determined in accordance with this Part.

   (2) The gross tonnage and the net tonnage of novel types of craft whose constructional features are such as to render the application of these Regulations unreasonable or impracticable shall be as determined by the Director.

Definition of terms used in this Part.

Upper deck.

11. (1) The upper deck is the uppermost complete deck exposed to weather and sea, which has permanent means of weathertight closing of all openings in the weather part thereof, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing. In a ship having a stepped upper deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is taken as the upper deck.
Moulded depth.

(2) [a] The moulded depth is the vertical distance measured from the top of the keel to the underside of the upper deck at side. In wood and composite ships the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

[b] In ships having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design.

[c] Where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

Breadth.

(3) The breadth is the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

Enclosed spaces.

(4) Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, shall preclude a space from being included in the enclosed space.

Excluded spaces.

(5) Notwithstanding the meaning assigned to "enclosed spaces" in sub-regulation (4), the spaces referred to in sub-paragraphs (i) to (v) shall be called excluded spaces and shall not be included in the volume of enclosed spaces, except that any such space which fulfils at least one of the following 3 conditions shall be treated as an enclosed space —

[a] the space is fitted with shelves or other means for securing cargo or stores;

[b] the openings are fitted with any means of closure;
(c) the construction provides any possibility of such openings being closed —

(i) (A) a space within an erection opposite an end opening extending from deck to deck, except for a curtain plate of depth not exceeding by more than 25 millimetres the depth of the adjoining deck beams, such opening having a breadth equal to or greater than 90% of the breadth of the deck at the line of the opening of the space. This provision shall be applied so as to exclude from the enclosed spaces only the space between the actual end opening and a line drawn parallel to the line or face of the opening at a distance from the opening equal to one-half of the width of the deck at the line of the opening (Figure 1 in the Second Schedule);

(B) should the width of the space because of any arrangement, except by convergence of the outside plating, become less than 90% of the breadth of the deck, only the space between the line of the opening and a parallel line drawn through the point where the athwartships width of the space becomes equal to, or less than, 90% of the breadth of the deck shall be excluded from the volume of enclosed spaces (Figures 2, 3 and 4 in the Second Schedule);

(C) where an interval which is completely open, except for bulwarks or open rails, separates any 2 spaces, the exclusion of one or both of which is permitted under sub-subparagraph (A) or (B), such exclusion shall not apply if the separation between the 2 spaces is less than the least half breadth of the deck in way of the separation (Figures 5 and 6 in the Second Schedule);

(ii) a space under an overhead deck covering open to the sea and weather, having no other connection on the exposed sides with the body of the ship than the stanchions necessary for its support. In such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's side, provided that the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 metres or one-third of the height of the space, whichever is the greater (Figure 7 in the Second Schedule);
(iii) a space in a side-to-side erection directly in way of opposite side openings not less in height than 0.75 metres or one-third of the height of the erection, whichever is the greater. If the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces shall be limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening (Figure 8 in the Second Schedule);

(iv) a space in an erection immediately below an uncovered opening in the deck overhead, provided that such an opening is exposed to the weather and the space excluded from the enclosed spaces is limited to the area of the opening (Figure 9 in the Second Schedule);

(v) a recess in the boundary bulkhead of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, provided that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance (Figure 10 in the Second Schedule).

Passenger.

(6) A passenger is a person other than —

(a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and

(b) a child under one year of age.

Cargo spaces.

(7) Cargo spaces to be included in the computation of net tonnage are enclosed spaces appropriated for the transport of cargo which is to be discharged from the ship, provided that such spaces have been included in the computation of gross tonnage. Such cargo spaces shall be certified by permanent marking with the letters "CC" (cargo compartment) to be so positioned that they are readily visible and not to be less than 100 millimetres in height.

Weathertight.

(8) Weathertight means that in any sea conditions water will not penetrate into the ship.
Passenger ship.

(9) A passenger ship is a ship certified to carry more than 12 passengers.

Measurement and calculation.

12. (1) All measurement used in the calculation of volumes shall be taken to the nearest centimetre.

(2) The volumes shall be calculated by generally accepted methods for the space concerned and with an accuracy acceptable to the Certifying Authority.

(3) The calculation shall be sufficiently detailed to permit easy checking.

Calculation of volumes.

13. (1) All volumes included in the calculation of gross tonnages and net tonnages shall be measured, irrespective of the fitting of insulation or the like, to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of structural boundary surfaces in ships constructed of any other material.

(2) Volumes of appendages shall be included in the total volume.

(3) Volumes of spaces open to the sea may be excluded from the total volume.

Gross tonnage.

14. The gross tonnage (GT) of a ship shall be determined by the following formula —

\[ GT = K_1 V \]

where —

\[ V = \text{total volume of all enclosed spaces of the ship in cubic metres}; \]

\[ K_1 = 0.2 + 0.02 \log_{10} V \text{ (or as specified in the Third Schedule)}. \]

Net tonnage.

15. (1) The net tonnage (NT) of a ship shall be determined by the following formula —
\[
NT = K_2 V_c \left( \frac{4d}{3D} \right)^2 + K_3 \left( \frac{N_1}{10} + \frac{N_2}{10} \right),
\]

in which formula —

\(a\) the factor \(\frac{4d}{3D}\) shall not be taken as greater than unity;

\(b\) the term \(K_2 V_c \left( \frac{4d}{3D} \right)^2\) shall not be taken as less than 0.25 GT; and

\(c\) NT shall not be taken as less than 0.30 GT, and in which —

\[V_c = \text{total volume of cargo spaces in cubic metres;}\]
\[K_2 = 0.2 + 0.02 \log_{10} V_c \text{ (or as specified in the Third Schedule);}\]
\[K_3 = \frac{\text{GT} + 10,000}{10,000};\]
\[D = \text{moulded depth amidships in metres as defined in sub-regulation (2) of regulation 11;}\]
\[d = \text{moulded draughts amidships in metres as defined in sub-regulation (2);}\]
\[N_1 = \text{number of passengers in cabins with not more than 8 berths;}\]
\[N_2 = \text{number of other passengers;}\]
\[N_1 + N_2 = \text{total number of passengers the ship is permitted to carry as indicated in the ship's passenger certificate; when } N_1 + N_2 \text{ is less than 13, } N_1 \text{ and } N_2 \text{ shall be taken as zero;}\]
\[\text{GT} = \text{gross tonnage of the ship as determined in accordance with regulation 14.}\]
(2) The moulded draught "d" referred to in sub-regulation (1) shall be one of the following draughts —

\[ \text{(a) for ships to which the International Convention on Load Lines in force applies, the draught corresponding to the Summer Load Line (other than timber load lines) assigned in accordance with that Convention;} \]

\[ \text{(b) for passenger ships, the draught corresponding to the deepest subdivision load line assigned in accordance with the International Convention for the Safety of Life at Sea in force or any regulations made under the Order;} \]

\[ \text{(c) for ships to which the International Convention on Load Lines does not apply but which have been assigned a load line in compliance with any regulations made under the Order, the draught corresponding to the summer load line so assigned;} \]

\[ \text{(d) for ships to which no load line has been assigned but the draught of which is restricted in compliance with national requirements, the maximum permitted draught;} \]

\[ \text{(e) for other ships, 75% of the moulded depth amidships as defined in sub-regulation (2) of regulation 11.} \]

**Tonnage of segregated ballast tanks.**

16. Where segregated ballast tanks complying with regulation 13 of Annex 1 of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating to the Convention are provided in oil tankers, an entry may be made on the International Tonnage Certificate (1969) or the Brunei Darussalam Tonnage Certificate indicating the total tonnage of the tanks. The tonnage of the segregated ballast tanks shall be calculated according to the following formula —

\[ K_1 \times V_b \]

where —

\[ V = \text{total volume of all enclosed spaces of the ship in cubic metres;} \]

\[ K_1 = 0.2 + 0.02 \log_{10} V \text{ (or as specified in the Third Schedule);} \]

\[ V_b = \text{the total volume of segregated ballast tanks in cubic metres measured in accordance with regulation 13.} \]
Change of net tonnage.

17. (1) When the characteristics of a ship, such as $V$, $V_c$, $d$, $N_1$ or $N_2$ as defined in regulations 14 and 15, are altered and where such an alteration results in an increase in its net tonnage as determined in accordance with regulation 15, the net tonnage of the ship corresponding to the new characteristics shall be determined and shall be applied without delay.

(2) A ship to which load lines referred to in paragraphs (a) and (b) of sub-regulation (2) of regulation 15 are concurrently assigned shall be given only one net tonnage as determined in accordance with regulation 15 and that tonnage shall be the tonnage applicable to the appropriate assigned load line for the trade in which the ship is engaged.

(3) When the characteristics of a ship, such as $V$, $V_c$, $d$, $N_1$ or $N_2$ as defined in regulations 14 and 15, are altered or when the appropriate assigned load line referred to in sub-regulation (2) is altered due to the change of the trade in which the ship is engaged, and where such an alteration results in a decrease in its net tonnage as determined in accordance with regulation 15, a new International Tonnage Certificate (1969) or a new Brunei Darussalam Tonnage Certificate incorporating the net tonnage so determined shall not be issued until 12 months have elapsed from the date on which the current Certificate was issued:

Provided that this requirement shall not apply —

(a) if the ship is transferred to the flag of another Contracting State; or

(b) if the ship undergoes alterations or modifications which are deemed by the Director to be of a major character, such as the removal of a superstructure which requires an alteration of the assigned load line.
FIRST SCHEDULE

FORM 1

MERCHANT SHIPPING ORDER, 2002
[S 27/02]

MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2006

INTERNATIONAL TONNAGE CERTIFICATE (1969)


<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Official Number</th>
<th>Port of Registry</th>
<th>*Date</th>
</tr>
</thead>
</table>

* Date on which the keel was laid or the ship was at a similar stage of construction (Article 2(6) of the Convention), or date on which the ship underwent alterations or modifications of a major character (Article 3(2)(b) of the Convention), as appropriate.

MAIN DIMENSIONS

|----------------------------------------|-------------------------------------------|---------------------------------------------|
FIRST SCHEDULE — continued

THE TONNAGES OF THE SHIP ARE —
GROSS TONNAGE .................................
NET TONNAGE .................................

THIS IS TO CERTIFY that the tonnages of this ship have been determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969.

Issued at .....................................................  ...........................................
(Place of issue of certificate) (Date of issue)

The undersigned declares that he is duly authorised by the Government of Brunei Darussalam to issue this Certificate.

..................................................
(Signature of authorised person issuing the certificate and seal of issuing authority)
### SPACES INCLUDED IN TONNAGE

<table>
<thead>
<tr>
<th>Name of Space</th>
<th>Location</th>
<th>Length</th>
<th>Name of Space</th>
<th>Location</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underdeck</td>
<td>—</td>
<td>—</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GROSS TONNAGE**

**NET TONNAGE**

**NUMBER OF PASSENGERS**

(Regulation 4(1) of the Convention)

Number of passengers in cabins with not more than 8 berths ......
Number of other passengers ......

**EXCLUDED SPACES**

(Regulation 2(5) of the Convention)

An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.

**MOULDED DRAUGHT**

(Regulation 4(2) of the Convention)

**Date and place of original measurement** ...........................................................

**Date and place of last previous remeasurement** ...........................................

**REMARKS:**
FIRST SCHEDULE — continued

FORM II

MERCHAND SHIPPING ORDER, 2002
(S 27/02)

MERCHAND SHIPPING (TONNAGE) REGULATIONS, 2006

BRUNEI DARUSSALAM TONNAGE CERTIFICATE

 Issued under the provisions of the Merchant Shipping (Tonnage) Regulations, 2006 under the authority of the Government of Brunei Darussalam.

<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Official Number</th>
<th>Port of Registry</th>
<th>*Date</th>
</tr>
</thead>
</table>

* Date on which the keel was laid or the ship was at a similar stage of construction (Regulation 2).

MAIN DIMENSIONS

<table>
<thead>
<tr>
<th>Length (Regulation 2)</th>
<th>Breadth (Regulation 11[3])</th>
<th>Moulded Depth amidships to Upper Deck (Regulation 11[2])</th>
</tr>
</thead>
</table>

The tonnages of the ship determined in accordance with the provisions of the Merchant Shipping (Tonnage) Regulations, 2006 are —

GROSS TONNAGE ........................................
NET TONNAGE ..........................................

Issued at ..................................................... .................................

(Place of issue of certificate) (Date of issue)

(Signature of authorised person issuing the certificate and seal of issuing authority)

2131
SPACES INCLUDED IN TONNAGE

<table>
<thead>
<tr>
<th>Name of Space</th>
<th>Location</th>
<th>Length</th>
<th>Name of Space</th>
<th>Location</th>
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<tbody>
<tr>
<td>Underdeck</td>
<td>—</td>
<td>—</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NUMBER OF PASSENGERS**  
(Regulation 15[1])

Number of passengers in cabins with not more than 8 berths ........
Number of other passengers ......

**EXCLUDED SPACES**  
(Regulation 11[5])

An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.

**MOULDDED DRAUGHT**  
(Regulation 15[2])

Date and place of original measurement ....................................................

Date and place of last previous remeasurement .........................................

REMARKS:
SECOND SCHEDULE

EXCLUDED SPACES

In the following figures:

\[ \begin{align*}
\text{O} &= \text{excluded space} \\
\text{C} &= \text{enclosed space} \\
\text{I} &= \text{space to be considered as an enclosed space}
\end{align*} \]

Hatched in parts to be included as enclosed spaces.

\( B \) = breadth of the deck in way of the opening.

In ships with rounded gunwales the breadth is measured as indicated in Figure 11.
Reg. 11(5)(ii)

\[ h = \text{AT LEAST} \frac{H}{3} \text{ OR} \]
\[ 0\text{.75 m (2-5 F E E T)} \]
\[ \text{WHICHEVER IS} \]
\[ \text{THE GREATER} \]

Reg. 11(5)(iii)

\[ h = \text{AT LEAST} \frac{H}{3} \text{ OR} \]
\[ 0\text{.75 m (2-5 F E E T)} \]
\[ \text{WHICHEVER IS} \]
\[ \text{THE GREATER} \]

Reg. 11(5)(iv)

\[ \text{ARCD - OPENING IN THE DECK} \]
\[ \text{SPACE ABCDEFGH SHALL} \]
\[ \text{BE EXCLUDED FROM} \]
\[ \text{ENCLOSED SPACE} \]
SECOND SCHEDULE — continued

11(5)(v)

![Diagram of ships with rounded gunwales](image)

Fig. 10

SHIPS WITH Rounded Gunwales

![Diagram of ships with rounded gunwales](image)

Fig. 11
COEFFICIENTS $K_1$ AND $K_2$

$V$ or $V_c = $ Volume in cubic metres

<table>
<thead>
<tr>
<th>$V$ or $V_c$</th>
<th>$K_1$ or $K_2$</th>
<th>$V$ or $V_c$</th>
<th>$K_1$ or $K_2$</th>
<th>$V$ or $V_c$</th>
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<td>45 000</td>
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<td>80 000</td>
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<td>400 000</td>
<td>0.3120</td>
<td>740 000</td>
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</tr>
<tr>
<td>90</td>
<td>0.2391</td>
<td>85 000</td>
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<td>410 000</td>
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<td>750 000</td>
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</tr>
<tr>
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<td>420 000</td>
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Coefficients $K_1$ or $K_2$ at intermediate values of $V$ or $V_c$ shall be obtained by linear interpolation.
Made this 13th. day of Rabiulakhir, 1427 Hijriah corresponding to the 11th. day of May, 2006.

PEHIN ORANG KAYA SERI KERNA DATO SERI SETIA
HAJI AWANG ABU BAKAR BIN HAJI APONG
Minister of Communications,
Brunei Darussalam.